

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

ROGER DWAYNE SMITH

Plaintiff,

v.

Civil Action No. 2:14-17001

JOSHUA HYPES, Correctional Officer,
and DANIEL HAHN, Lieutenant, and
DAVID BALLARD, Warden, and JIM
RUBENSTEIN, Commissioner of West Virginia
Department of Corrections, and SHANNA
COLEMAN, Mental Health Counselor, and
MEREDITH SMITH, Mental Health Director,
and SHERRILL SNYDER, Mental Health Director,
all in their official and individual capacities,

Defendants.

MEMORANDUM OPINION AND ORDER

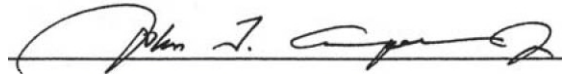
The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Dwane L. Tinsley, filed on January 10, 2017, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by any party to the proposed findings and recommendation; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the proposed findings and recommendation of the magistrate judge be, and they hereby are, adopted by the court.

It is, therefore, ORDERED that the motion for summary

judgment filed by defendants Shanna Coleman, Meredith Smith, and Sherrill Snyder be, and it hereby is, granted. It is further ORDERED that defendants Coleman, Smith and Snyder be, and they hereby are, dismissed with prejudice as defendants from this action.

The Clerk is directed to forward copies of this written opinion and order to plaintiff, all counsel of record and the United States Magistrate Judge.

DATED: January 31, 2017

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", is written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge